



**APPENDIX D PUBLIC COMMENTS RECEIVED DURING THE
REVIEW PERIOD**



Page Left Intentionally Blank

Public Comments

These comments were received from members of the public during the comment period from November 15 to December 18, 2006, and at the Public Hearing. FHWA and CDOT would like to thank the individuals providing comments, and all others who have participated in the EIS process.

Comments were received from the following individuals:

Commenter	Page(s) Comment Responded To On
Peter Daniels	D-2
David Powell	D-2
Karen Fonda (via Project Hotline)	D-3
Karl Weiszhaar	D-4
Rick Lofgren	D-5 and D-6
Jay McGee	D-7
Brownstein Hyatt Farber for Sports Authority	D-8
James Molis	D-11
Sandra Zwingelberg	D-13
Charlie Busch	D-14
David Callaghan	D-15
Andrew Hornbrook	D-15
Reza Yazdi	D-16
Vernon Tomkins	D-17
Carol Campbell	D-17
Lorraine Cornafel	D-18

	Comment	Responses to Comments
<p>Peter Daniels Comment #1</p>	<p>From: Peter Daniels [mailto:Peter@IamPeterDaniels.com] Sent: Sunday, November 19, 2006 1:07 PM Valley Highway EIS Feedback Form</p> <p>My wife and I live at Washington and Exposition. I am very much for improvements in the sections N of where the T-REX stopped. Our access to 6th Avenue W has been "interesting", so we look forward to this project improving that route. Also, the Bryant Street interchange in its current form is ridiculous. Glad to see that as part of this initiative.</p>	<p>Response to Comment #1: The Valley Highway Project is intended to address the long-standing transportation improvement needs you have noted.</p>
<p>David Powell Comment #2</p>	<p>From: Powell, David L. - Environmental Health [mailto:David.Powell@ci.denver.co.us] Sent: Monday, November 27, 2006 10:29 AM Valley Highway EIS Feedback Form</p> <p>With all the money and effort to improve traffic flow via T-rex, it seems that unless this project is initiated that all T-rex did was bandage the traffic issue on I-25 and create a larger parking lot for entering into the city.</p>	<p>Response to Comment #2: The Valley Highway Project is intended to address long-standing transportation improvement needs in the area. These needs are in addition to those addressed by T-REX, and the Valley Highway Project improvements will complement those recently completed with T-REX.</p>

	Comment	Responses to Comments
<p>Karen Fonda (via Project Hotline) Comment 3#</p>	<p>From: Heather Halpape [mailto:hhalpape@pwpr.com] Sent: Wednesday, December 06, 2006 10:37 AM To: Pacheco, Matthew Cc: 'Kevin.Maddoux'; Gross, Tony Subject: Hotline caller Hi Matthew, I was wondering if you could call a business owner from the 6th & Bryant area? Her name is Karen Fonda and she owns a dog boarding business and just leased space at 525 Bryant and didn't know about the project and closure of Bryant. She was interested in the timeline and I told her it would likely be 2 years at the earliest before construction begins but that it could be longer. She needs someone to explain to her why Bryant must be closed and how people will be able to access her business once it is closed. I thought maybe you could better explain the access issues better than I could. Here's her info: Karen Fonda Preppy Pet Suites 720-261-0355 Thanks, Heather Halpape Senior Account Manager Webb Public Relations 303-796-8888 303-888-6040 (cell)</p> <hr/> <p>From: Pacheco, Matthew [mailto:Matthew.Pacheco@dot.state.co.us] Sent: Wednesday, December 06, 2006 2:22 PM To: Dean.Bradley; Thor.Gjelsteen Cc: Gross, Tony; Heather Halpape; Kevin.Maddoux Subject: FW: Hotline caller I just got off the phone with Ms. Fonda just a few moments ago. She has a new business off of 5th and Bryant and was very interested in our Preferred alternative at 6th and Federal. She was overall supportive of the preferred as I described as best I could over the phone. But she would like to see the preferred alternative graphically to better grasp the concept. Could you please send her PDF's of both the line drawing and the Simulation of the preferred alternative at 6th and Federal? Her e-mail is krfonda@yahoo.com Thank you, <i>Matthew D. Pacheco, P.E.</i> Colorado Department of Transportation R-6 Littleton Residency 303-972-9112 fax: 303-972-9114</p>	<p>Response to Comment #3: The requested information has been provided.</p>

Comment **Responses to Comments**

Karl Weiszhaar
Comment #4



Drury Gymnasium
375 South Zuni Street
Denver, CO
5:30 PM to 8:30 PM

Final EIS Comment Form

Thank you for attending the I-25 Valley Highway Project Final Environmental Impact Statement (EIS) public hearing. Your comment will be addressed in the Record of Decision.

Submit your comment today

- or -

Mail to the address below - postmarked by December 18, 2006

Chris Horn, P.E.
Senior Operations Engineer
Federal Highway Administration
Colorado Division
12300 West Dakota Ave., Suite 180
Lakewood, CO 80228

Tony Gross, P.E.
Senior Project Manager
Colorado Department of Transportation Region 6
2000 South Holly Street
Denver, CO 80222

COMMENT: *Sorry I couldn't stay for the entire meeting - my questions were answered. I don't like all the changes but overall you all did a pretty good job. I'm very happy to see there are to be no sound walls along 6th Ave. I hate sound walls. I also have concerns about noise all night construction.*

B.H.H.

Karl Weiszhaar

Please provide your name and contact information below:

Name: KARL WEISZHAAR
Address: 2831 W. SHOOT PL. DENVER, CO 80204
Street City Zip Code
Phone: 303-638-2400 E-mail: karista@riochet.com

Response to Comment #4: CDOT and FHWA are pleased that your questions were answered.

You are correct that no sound barriers are planned along 6th Avenue (US 6). This has been based on a thorough analysis of need, feasibility, and reasonableness, as described in the Final EIS.

Regarding noise from night-time construction, CDOT will comply with applicable requirements for night-time noise. This is primarily the City and County of Denver noise ordinance, contained in Chapter 36 of the Denver municipal code. The recent demolition and reconstruction of the I-25 viaduct over Broadway is a recent example of a CDOT project covered by this ordinance. This project included night-time demolition, and the procedures followed appear to have been a success with the neighbors.

Comment **Responses to Comments**

**Rick Lofgren
Comment #5**



Drury Gymnasium
375 South Zuni Street
Denver, CO
5:30 PM to 8:30 PM

Final EIS Comment Form

Thank you for attending the I-25 Valley Highway Project Final Environmental Impact Statement (EIS) public hearing. Your comment will be addressed in the Record of Decision.

Submit your comment today
- or -
Mail to the address below - postmarked by December 18, 2006

Chris Horn, P.E. Senior Operations Engineer Federal Highway Administration Colorado Division 12300 West Dakota Ave., Suite 180 Lakewood, CO 80228	Tony Gross, P.E. Senior Project Manager Colorado Department of Transportation Region 6 2000 South Holly Street Denver, CO 80222
--	---

COMMENT: _____

Eric Lofgren (US Welding) would like a scaled drawing of his (US Welding) property and preferred all modifications.

-Lyle



RICK LOFGREN
PRESIDENT
PHONE: (303) 777-2475
FAX: (303) 777-7281 VOICE MAIL: (303) 777-2475 x1006

Please provide your name and contact information below:

Name: Rick Lofgren

Address: 600 S. Santa Fe Denver, CO 80223
Street City Zip Code

Phone: (303) 777-2475 **E-mail:** _____

November 30, 2006

	Comment	Responses to Comments
<p>Rick Lofgren Comment #6</p>	<div data-bbox="422 233 1245 298" data-label="Image"> </div> <div data-bbox="1079 326 1218 396" data-label="Text"> <p>Drury Gymnasium 375 South Zuni Street Denver, CO 5:30 PM to 8:30 PM</p> </div> <div data-bbox="659 399 1010 428" data-label="Section-Header"> <p>Final EIS Comment Form</p> </div> <div data-bbox="422 459 1209 496" data-label="Text"> <p>Thank you for attending the I-25 Valley Highway Project Final Environmental Impact Statement (EIS) public hearing. Your comment will be addressed in the Record of Decision.</p> </div> <div data-bbox="464 513 726 535" data-label="Text"> <p>Submit your comment today</p> </div> <div data-bbox="464 539 512 555" data-label="Text"> <p>- or -</p> </div> <div data-bbox="464 558 1035 581" data-label="Text"> <p>Mail to the address below - postmarked by December 18, 2006</p> </div> <div data-bbox="478 581 705 685" data-label="Text"> <p>Chris Horn, P.E. Senior Operations Engineer Federal Highway Administration Colorado Division 12300 West Dakota Ave., Suite 180 Lakewood, CO 80228</p> </div> <div data-bbox="835 581 1142 669" data-label="Text"> <p>Tony Gross, P.E. Senior Project Manager Colorado Department of Transportation Region 6 2000 South Holly Street Denver, CO 80222</p> </div> <div data-bbox="394 695 1251 1185" data-label="Text"> <p>COMMENT: Consider increasing the length of the Southbound Green Fe left-turn lane into the ramp area, providing a barrier to the current version.</p> <p>Also provide generous radius for southeast corner of this access intersection & plenty of distance to pad for signal.</p> </div> <div data-bbox="394 1198 798 1221" data-label="Text"> <p>Please provide your name and contact information below:</p> </div> <div data-bbox="394 1224 1251 1325" data-label="Form"> <p>Name: <u>Rick Lofgren (No wife 10/11/05)</u></p> <p>Address: _____ <small>Street City Zip Code</small></p> <p>Phone: _____ E-mail: _____</p> </div>	<p>Response to Comment #6: Final details of this intersection including left turn storage and radii will be developed as more detailed engineering is completed. We are aware of the type of vehicles that access your business, and will incorporate these considerations into the design.</p>

Comment **Responses to Comments**

Jay McGee
Comment #7



Drury Gymnasium
375 South Zuni Street
Denver, CO
5:30 PM to 8:30 PM

Final EIS Comment Form

Thank you for attending the I-25 Valley Highway Project Final Environmental Impact Statement (EIS) public hearing. Your comment will be addressed in the Record of Decision. *DMY GROSS*

Submit your comment today

- or -

Mail to the address below - postmarked by December 18, 2006

Chris Horn, P.E.
Senior Operations Engineer
Federal Highway Administration
Colorado Division
12300 West Dakota Ave., Suite 180
Lakewood, CO 80228

Tony Gross, P.E.
Senior Project Manager
Colorado Department of Transportation Region 6
2000 South Holly Street
Denver, CO 80222

D. J. FAY (303) 972-9114

COMMENT: (I-25 + BEARWAY INTERCHANGE) AS FAR AS IF CARL SEE FROM "SECURED D-D" THE NEW BEARWAY OFF RAMP FROM NORTH I-25 WOULD COMPLETELY ELIMINATE MY BUILDING AT 800 S. BEARWAY. THE BRAND NEW RAMP WOULD ALSO BE ELIMINATED. THIS SEEMS LIKE AN UNDESIRABLE WASTE OF THE NEW EXIT LANE AS I CAN SEE THE ONLY PURPOSE OF HAVING THE EXIT TO THE WEST IS TO EXTEND LANEWAY TO THE SOUTH TO SERVE 3 RESIDENTIAL STRUCTURES. I'M FART THESE RESIDENCES ARE THE "EYE-SORE" OF THE VIEWPLAIN TO THE NORTH, AS WOULD BE SUPPORTED BY DENVER "NEIGHBORHOOD INSPECTION GROUP" (THEY HAVE NUMEROUS ISSUES WITH THESE STRUCTURES).
I HAVE DONE MY PART AS A "TAX PAYING" ENTREPRENEUR TO IMPROVE MY BUILDING & PROVIDE GOOD PAYING JOBS TO MANY EMPLOYEES. THERE IS ABSOLUTELY NO NEED TO REMOVE MY BUILDING WHEN THESE EYESORE STRUCTURES COULD BE REMOVED TO THE EAST. I ABSOLUTELY THINK THIS "NEW" DESIGN IS UNWISER AND EXTREMELY WASTEFUL SINCE BUSINESS IS A VERY IMPORTANT COMPONENT OF DENVER'S ECONOMY. THERE IS NO LOCATION IN DENVER CARRYING A B-Y ZONING, WHICH WOULD HAVE THE SAME LOCATIONS CHARACTERISTICS AS THIS. MY SIGN HAS BEEN IN EXISTENCE SINCE THE 1960'S.
I SUGGEST THAT THE RESIDENCES ARE REMOVED OR THAT ACCESS IS PROVIDED

Please provide your name and contact information below: (ON THE SOUTH SIDE OF MY BUILDING (OLD BEARWAY) EITHER WAY, THERE IS NO LEGITIMATE REASON WHY I WOULD WANT TO REMOVE MY BUILDING. THANK YOU FOR YOUR

Name: Jay C. McGee
Address: 2706 E. Bellevue Ave. Briarwood Village, Co. 80121
City: Briarwood Village, Co. Zip Code: 80121
Phone: (303) 759-9809 E-mail: _____

Response to Comment #7: CDOT and FHWA appreciate your continued involvement in the Valley Highway EIS. We recognize that the Preferred Alternative substantially impacts your business. We have established the Preferred Alternative after substantial evaluation, analysis and discussion, including consideration of 13 individual alternatives at this location. These alternatives were varied and provided value along with impacts; some affecting your property and some affecting your neighbors. We believe that the Preferred Alternative meets the purpose and need while balancing impacts to the environment/community.

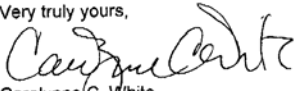
CDOT sincerely regrets that private property sometimes needs to be acquired for transportation purposes. With this ROD, FHWA and CDOT are selecting Phases 1 and 2 of the Preferred Alternative for implementation. The improvements that will require the acquisition of your property are not included in the selected phases, but rather are included in a future phase. As described in this ROD, future phases will be selected through the issue of subsequent RODs as funding becomes available and FHWA and CDOT work toward implement of the Preferred Alternative in its entirety. CDOT and its local governmental partners are actively searching for funding for this important project; however it is difficult to predict when such funding will be available.

Whenever CDOT acquires property, landowners are paid fair market value for the land and improvements acquired. Additionally, businesses displaced by right of way acquisition for federal-aid transportation projects are entitled to certain relocation benefits provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended ("Uniform Act").

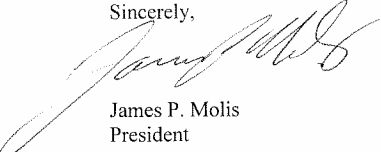
We encourage you to check in with CDOT from time to time, monitor the status of funding for the phase of the project that will acquire your property. Once funding for acquisition of that property is secured, we encourage you to coordinate specific details of the acquisition with the CDOT Region 6 Right of Way Manager. Also, as you are aware, the City and County of Denver is also considering transportation improvement in your area through a separate NEPA process. We encourage you to participate and stay informed of that process as it progresses.

	Comment	Responses to Comments
<p>Brownstein Comment #8</p>	<p>12/07/2006 15:39 3039729114</p> <p>LITTLETON RESIDENCY PAGE 02/84</p> <p><i>Rec'd with no response</i></p> <p><i>AVG</i></p> <p><i>CC Greg Jameson RG ROW</i></p> <p><i>Row Thelma J. Streen</i></p> <p>November 27, 2006</p> <p>Carolynne C. White Attorney at Law T 303.223.1197 F 303.223.0997 cwhite@bhf-law.com</p> <p>Tony Gross, Senior Project Manager Colorado Department of Transportation, Region 6 2000 S. Holly Street Denver, CO 80222</p> <p>RE: Valley Highway Project Impact on The Sports Authority</p> <p>Dear Mr. Gross:</p> <p>Please accept this letter as part of the official public record of public comment related to the Final Environmental Impact Study (EIS) for the Valley Highway Project.</p> <p>The Valley Highway Project will have a significant negative impact on The Sports Authority.</p> <p><u>Introduction and Background</u></p> <p>On August 4, 2003, The Sports Authority, Inc. and Gart Sports Company, the largest and second largest U.S. sporting goods retailers, respectively, completed a merger that created the nation's preeminent full-line sporting goods chain. The combined company, now known as The Sports Authority, Inc., is headquartered in Englewood, Colorado and trades on the NYSE under the symbol TSA. It operates approximately 390 stores in 45 U.S. states under The Sports Authority®, Gart Sports®, Sportmart® and Oshman's® names. The Sports Authority, Inc. (formerly known as Gart Sports Company) opened its first store in Denver, Colorado in 1928.</p> <p>The Sports Authority currently leases approximately 225,000 square feet of warehouse space at 50 Kalamath Street, Denver ("the Kalamath Warehouse"). More than 1.2 million items pass through this warehouse every month; more than 14 million items pass through annually. More than 85 permanent full-time employees currently work at the Kalamath Warehouse; during peak times, an additional 30 temporary employees are employed there.</p> <p>Representatives of The Sports Authority received notice of, and attended a meeting regarding, the Valley Highway Project on June 2, 2005, at which they were informed that the Colorado Department of Transportation (CDOT) would require the property currently occupied by the Kalamath Warehouse in order to complete the project. Since that time, The Sports Authority has been involved in the process, attended all public meetings, and provided comments and input to CDOT staff regarding its</p> <p>Brownstein Hyatt & Farber, P.C. Denver, Colorado T 303.223.1100 F 303.223.1111 Washington, D.C. T 202.296.7353 F 202.296.7009 Albuquerque, New Mexico T 505.244.0770 F 505.244.9296 Aspen/Vail, Colorado T 970.945.5302 F 970.384.2360</p>	<p>Response to Comment #8:</p> <p>Thank you for your comments. We appreciate the Sports Authority's participation in public involvement in the EIS process.</p> <p>The statement in your letter that "the Valley Highway Project is planned for bonding and commencement of construction in 2008" is not accurate. With this ROD, FHWA and CDOT are selecting Phases 1 and 2 of the Preferred Alternative for implementation. The improvements that will require the acquisition of the warehouse located at 50 Kalamath Street (Kalamath Warehouse") are not include in the selected phases, but rather are included in a future phase. As described in this ROD, future phases will be selected through the issue of subsequent RODs as funding becomes available and FHWA and CDOT work toward implementation of the Preferred Alternative in its entirety. CDOT and its local governmental partners are actively searching for funding for this important project; however it is difficult to predict when such funding will be available.</p> <p>Your letter describes impacts that Sports Authority may incur if the Kalamath Warehouse is acquired. Whenever CDOT acquires property, landowners are paid fair market value for the land and improvements acquired. Additionally, businesses displaced by right of way acquisition for federal-aid transportation projects are entitled to certain relocation benefits provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended ("Uniform Act"). The program provides benefits to assist with some of the costs associated with relocation. Regrettably, displaced businesses commonly incur additional costs, sometimes substantial, for which there is no reimbursement in the federal-aid relocation program.</p> <p>The three major areas of financial relocation benefits for displaced businesses are: (i) costs incurred searching for a replacement site, limited to \$2,500, (ii) moving expenses (no limit), and reestablishment, limited to \$10,000. Additionally, businesses can also elect to accept a single payment "in-lieu" of all other relocation benefits; however the "in-lieu" payment is limited to \$20,000. All of the payment limits imposed on these benefits were established in 1970 when Congress enacted the Uniform Act.</p>

	Comment	Responses to Comments
<p>Brownstein Comment #8 (cont.)</p>	<p>12/07/2006 15:39 3039729114 LITTLETON RESIDENCY PAGE 03/04</p> <p>Tony Gross, Senior Project Manager Colorado Department of Transportation, Region 6 November 27, 2006 Page 2</p> <p>concerns.</p> <p>Due to the Valley Highway Project, the Sports Authority will be required to relocate its warehouse operation, and as a result, its business will suffer serious negative consequences.</p> <p><u>Uniqueness of Kalamath Warehouse Location</u></p> <p>The Kalamath Warehouse site was selected by The Sports Authority for its unique location, which includes close proximity to rail lines for the transportation of goods, as well as transit lines for employee transportation. As noted, more than 85 permanent full-time employees currently work at the Kalamath Warehouse; during peak times, an additional 30 temporary employees are employed there. A large percentage of these employees either walk or ride public transit to work. It will be difficult for The Sports Authority to find a location that provides similar enterprise or employee benefits.</p> <p>Initial investigations into the lease rates of comparable properties within the Denver metro area indicate that The Sports Authority can expect to pay as much as an additional \$800,000 per year in rent. Over a twenty year lease, the incremental cost would be approximately \$18,000,000. Increased rent is in addition to all of the actual costs associated with physically relocating the operations currently housed at the Kalamath Warehouse.</p> <p><u>Need for Additional Notice</u></p> <p>According the Uniform Relocation and Assistance Act, and the parallel CDOT regulations, tenants such as The Sports Authority are entitled to "at least 90 days advance written notice of the earliest date by which [The Sports Authority] may be required to move;" however, "[t]he displacing Agency may issue the notice 90 days or earlier before it expects the person to be displaced." 49 CFR 24.203(c)(1) and (2). "The 90-day notice shall either state a specific date as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date by which he or she must move." 49 CFR 24.203(c)(3). Representatives of CDOT also cited this 90-day notice provision at the June 2, 2005 public meeting.</p> <p>However, ninety days is a wholly inadequate amount of time to find a suitable location, and physically relocate a warehouse operation occupying 225,000 square feet of space.</p> <p>The Sports Authority requests that it be given at least 18 months notice of the requirement to move its warehouse operation.</p> <p>We understand that the Valley Highway Project is part of a package of transportation improvements proposed by CDOT as part of Referenda C and D, to be considered by the voters of Colorado on the November, 2005 ballot. The promotional materials discussing these projects states that the Valley Highway</p>	<p>In addition to monetary benefits, the Uniform Act also specifies minimum time frames displaced entities are allowed to continue in occupancy while they look for replacement properties. Your letter correctly identified the 90-day notice period as one of these minimum time frames. We share your concerns that 90-days is not a sufficient amount of time to relocate your business. In fact, it is a very short period of time to relocate any business. For that reason, CDOT always endeavors to provide displaced businesses as much time as possible to successfully relocate within the project schedule. However, expeditiously moving projects forward is always a competing concern.</p> <p>Illustrating a typical business relocation cycle may help to address some of your concerns. Once a project has been approved and funding for right of way acquisition has been identified, a CDOT real estate specialist will meet with your client to do a relocation planning study. The specialist goes through a questionnaire with a representative from your client to try and understand the unique attributes of the business and the desires of the business owner for a relocation property. Typically a tour of the facility is included in this visit, so the real estate specialist can start to understand the challenges associated with the eventual move. Some of the issues raised in your letter, for example, proximity to rail lines and proximity to transit for employees can be discussed in the relocation planning interview. At about the same time, an appraiser will start an appraisal of the property.</p> <p>The appraiser is statutorily required to meet with the landowner, and the appraiser and real estate specialist will meet with representatives of the landowner and business tenant to do a complete inventory of the business, classifying all items as either personal property or realty. As previously indicated, there is uncertainty about the timing of the acquisition of the Kalamath Warehouse property. However, when the relocation planning and appraisal processes start, it will be evident that the acquisition process has started in earnest. It will probably take 2-3 months for the appraiser to complete the appraisal and have it reviewed by a CDOT review appraiser. Once that process is complete, an offer to purchase will be tendered to the underlying landowner, and shortly thereafter, the business tenant will be provided with the 90-day notice.</p>

	Comment	Responses to Comments
<p>Brownstein Comment #8 (cont.)</p>	<p>12/07/2006 15:39 3039729114 LITTLETON RESIDENCY PAGE 04/04</p> <p>Tony Gross, Senior Project Manager Colorado Department of Transportation, Region 6 November 27, 2006 Page 3</p> <p>Project is planned for bonding and commencement of construction in 2008. It is also apparent that this project has been planned by CDOT for several years. Given the long lead times inherent in the schedules of projects of this magnitude, it is not unreasonable to request that sufficient time be provided for The Sports Authority to find suitable space, and relocate.</p> <p>In addition to these factors, given the enormity of The Sports Authority's warehouse operation and the need to find a similarly unique location, 18 months advance written notice is reasonable under the circumstances.</p> <p><u>Request for Additional Relocation Compensation</u></p> <p>It appears that the regulations provide for reimbursement of actual moving and relocation costs, with no maximum limit. In addition, the regulations appear to provide that businesses qualifying as a small business may be entitled to an additional reimbursement of up to \$10,000, for certain costs related to reestablishing the business in the new location. See 49 CFR 24.304. One of eligible expenses allowed under this section is "[e]stimated increased costs of operation during the first 2 years at the replacement site for such items as: lease or rental charges" 49 CFR 24.304(a)(6)(i).</p> <p>Based on current information, The Sports Authority is likely to experience an increased cost of operation of as much as \$800,000 per year in increased lease rates. The Sports Authority's costs for relocating and reestablishing its warehouse will far exceed the \$10,000 limit for additional small business reimbursement.</p> <p><u>Conclusion</u></p> <p>The proposed Valley Highway Project will have a significant negative impact on the operations of The Sports Authority due to the taking of its Kalamath Warehouse. The Sports Authority requests the assistance and cooperation of CDOT in mitigating these effects, as set forth in this letter, and as required by the federal statutes and regulations governing relocation.</p> <p>If you would like additional information, or have any questions regarding these matters, please contact the undersigned, counsel for The Sports Authority.</p> <p>Very truly yours,  Carolynne C. White</p> <p>cc: Nesa E. Hassenein Steve Farber</p> <p>9811211015909.1</p>	<p>From that point forward, the relocation specialist works with the displaced businesses tenant providing relocation assistance to help the tenant understand the program and to help the tenant find a relocation property. Concurrently, a negotiation with the underlying landowner on the just compensation amount is on-going. Once a relocation property is secured, the real estate specialist will obtain estimates from moving companies that will be used to determine the relocation moving benefit. The specialist will then work with the displaced occupant to schedule the move.</p> <p>In addition to the 90-day notice, the Uniform Act also requires issuance of a 30-day notice. However the 30-day notice cannot be issued until CDOT has obtained a possessory interest in the underlying property. The acquisition and relocation processes come together on this point. It is never clear how long it will take to negotiate the acquisition price, or agreement for possession. Furthermore, sometimes submission to the condemnation process is required to resolve these issues. It is important to note that the 30-day notice can't issue until at least the possession issue is resolved.</p> <p>Please note that the 90-day notice is a minimum time frame. Your client will be allowed more than 90-days to relocate. Historically, CDOT has allowed business tenants nine months to a year to relocate. In some instances, for example in cases where right of way acquisition funding has been identified in advance of securing construction funding, periods of time exceeding a year have been allowed.</p> <p>We understand the reasons for your request for an 18-month time frame and will do our best to allow as much time as the project schedule allows. However, uncertainties in our funding stream make it difficult to guaranty any specific time frame, other than the 90-day minimum the Uniform Act requires.</p> <p>We encourage you to check in with CDOT from time to time, monitor the status of funding for the phase of the project that will require acquisition of the Kalamath Warehouse property. Once funding for acquisition of that property is secured, we encourage you to coordinate specific details of the acquisition with the CDOT Region 6 Right of Way Manager.</p>

	Comment	Responses to Comments
<p>James Molis Comment #9</p>	<p style="text-align: center;">Alpine Air Conditioning and Heating Service, Inc. 23 South Kalamath Street Denver, CO 80223 (303) 571-5522</p> <p style="text-align: center;">December 14, 2006</p> <p>Mr. Chris Horn Senior Operation Engineer Federal Highway Administration, Colorado Division 12300 West Dakota Avenue, Suite 180 Lakewood, CO 80228 <u>Sent via fax and mail: (720) 963-3001</u></p> <p>Re: Comments on Valley Highway Project, Final Environmental Impact Statement</p> <p>Dear Mr. Horn:</p> <p>I would like to begin by congratulating you and your team on the completion of the Final Environmental Impact Statement. Your commitment to minimizing property acquisitions and displacements during the project is impressive. Considering the scope of the proposed changes, the displacement of only 33 businesses is truly an accomplishment.</p> <p>I am hoping you can clarify the fate of my property, located at 23 South Kalamath Street, which is listed as a candidate for full purchase under the Preferred Alternative in Table 4.2-2. In reviewing the document, I noticed several small features that, I hope, will save you the necessity of taking the building.</p> <p>On the Land Use Concept maps (Figures 4.1-18 thru 21), at the top of the page, please focus your attention on the small purple triangle to the left of the label for Kalamath Street signifying remainder parcels to be used for industrial purposes. Although the scale of the figure makes it difficult to be certain, the straight line that forms the north most border of the area appears to be <i>south</i> of my building. From this diagram, it appears as though my building is just beyond the land you require for construction.</p> <p>This impression is reinforced by examining Table 4.2-2. My neighbor to the west, located at 1030 West Ellsworth Avenue, is only listed as a partial purchase under all of the alternatives considered, suggesting that you do not intend to remove the building. Upon examining my property, I noted that my south most wall forms a straight east-west line with the south most wall of 1030 West Ellsworth. Consistent with the Land Use Concept maps, 23 South Kalamath appears to be just beyond the northern boundary of the land required for construction. Furthermore, the indication that the remainder parcels will be allocated for industrial use suggests that my building and my family's heating and air conditioning business will not be out of character in the renewed neighborhood.</p> <p>Based on my reading of the information, I am inclined to hope that our inclusion on the list for full purchase was accidental. However, I understand that there may be other considerations in your decision of which I am not aware. I look forward to your response and</p>	<p>Response to Comment #9: CDOT and FHWA have reviewed the Preferred Alternative and its impact on your property, as you requested. Your property would be impacted when Kalamath Street is reconstructed in front of your property to go under the Consolidated Main Line railroad. We have assumed that structural walls would be required on either side of Kalamath Street in order to facilitate the grade change in front of your property. The wall would be 3-5 feet high, thereby eliminating access.</p> <p>The Preferred Alternative would not physically impact your business, but the inability to preserve access is substantial enough for us to assume that a full acquisition of your property will be needed. As design moves forward, more engineering detail will be developed to fully define the impacts to your property. We will make every effort to limit the impacts as we do this engineering. However, the best current information is that access cannot be maintained and your property will need to be acquired.</p> <p>With this ROD, FHWA and CDOT are selecting Phases 1 and 2 of the Preferred Alternative for implementation. The improvements that will require the acquisition of the your property at 23 South Kalamath Street are not include in the selected phases, but rather are included in a future phase. As described in this ROD, future phases will be selected through the issue of subsequent RODs as funding becomes available and FHWA and CDOT work toward implement of the Preferred Alternative in its entirety. CDOT and its local governmental partners are actively searching for funding for this important project; however it is difficult to predict when such funding will be available.</p> <p>We encourage you to check in with CDOT from time to time, monitor the status of additional engineering and funding for the phase of the project that will require acquisition of your property.</p>

	Comment	Responses to Comments
<p>Comment #9 (cont.)</p>	<p>would welcome the opportunity to further discuss this issue with you or a member of your staff. If you still feel that the acquisition of my building is essential to the success of the project, I would appreciate as much advance notice as is practicable. My family's business has been operating from this location for nearly thirty years and it will require significant time and effort for us to move.</p> <p>Please feel free to contact me at the above address, or by phone (303-571-5522) or fax (303-571-0425). Thank you for the opportunity to participate in the development process.</p> <p>Sincerely,</p>  <p>James P. Molis President</p>	

	Comment	Responses to Comments
<p>Sandra Zwingelberg Comment #10 (Public Hearing)</p>	<p>My name is Sandra Zwingelberg. I live at 782 South Lincoln Street. My first introduction to this process actually was in December of 2001 when this was called the Lincoln Street Exit Project. At that time there were eight different plans and four of those plans were to be taken. We went through a couple of different names of this project, and we are to the point now where there is a line over my house. I am just curious, do you know when this process ends and when a person might find out or how long a person has to wait and to be kind of held hostage to know what their future is? I am curious about the process. And, you know, there was supposed to be a pedestrian route from the front of my yard to the other side of Broadway. I want to know where these processes are at and when I will find out.</p>	<p>Response to Comment #10: The Valley Highway EIS process is completed with this document and impacts along with mitigation for these impacts have been defined. We have reviewed the Preferred Alternative as it impacts your property and found that there are no direct impacts. Lincoln Street, Ohio Ave. and the off ramp from I-25 are reconfigured in close proximity to your property and the existing sidewalk in front of your property will be reconnected with this project. Pedestrian connections along Ohio Ave. across the intersection at Broadway to the park-N-Ride are included with this project and are described in further detail in the Final EIS document.</p> <p>With this ROD, FHWA and CDOT are selecting Phases 1 and 2 of the Preferred Alternative for implementation. The improvements as I have described above are not included with Phase 1 or 2 but are identified in a future phase not yet funded. As described in this ROD, future phases will be selected through the issue of subsequent RODs as funding becomes available and FHWA and CDOT work toward implement of the Preferred Alternative in its entirety. CDOT and its local governmental partners are actively searching for funding for this important project; however it is difficult to predict when such funding will be available.</p> <p>We encourage you to check in with CDOT from time to time, monitor the status of funding for the phase of the project that will construct the improvements adjacent to your property.</p>

	Comment	Responses to Comments
<p>Charlie Busch Comment #11 (Public Hearing)</p>	<p>My name is Charlie Busch. I live at 715 South Sherman Street, Denver, Colorado 80209. We have been working with the Valley Highway people now for over four years on the Valley Highway EIS. West Washington Park would like to give a big thank you and a congratulations to both the CDOT team and to their consultants on the way that they worked with us. The T-REX EIS was such a train wreck in terms of public relations, and the Valley Highway EIS was just 110 percent better. So, again, we would like to give a big thank you and congratulations to both Tony and all the people who worked with him, and to thank them for being inclusive in the process rather than exclusive.</p> <p>I was concerned about houses on the block between Lincoln and Broadway on Exposition, that they were basically making that street a new collector road and they were going to be detrimentally affecting those houses without condemning them. So how are people who own those houses to get their value out of their houses because the value would plummet? They are not going to be able to park in front of their houses. There is going to be just an incredible amount of traffic going on that one block with their current configuration. So how are those people supposed to deal with the value of their homes?</p> <p>I would just hope that if this is a long drawn-out process that we could kind of do a double-check on the configuration of intersections when we get to that point because things might be drastically different in ten years when they get funding, because they are going to be doing a phased approach. Just kind of take a quick look at the Valley Highway EIS that was done in 2007, and does that still apply to the time in which they actually start to build different sections?</p>	<p>Response to Comment #11: CDOT and FHWA appreciate the interactive way that you and the West Washington Park Neighborhood Association have engaged in the Valley Highway EIS. Your involvement has added substantial value to the process and the results.</p> <p>The Preferred Alternative does not directly impact the residential properties along Exposition Ave. The Preferred Alternative does propose an extension of Exposition Ave. to the west to provide additional access to the park-n-Ride and properties within the area. This extension is likely to increase traffic along Exposition Ave. To mitigate for this traffic, a traffic signal is proposed at Broadway and Exposition Ave. Further modifications may be required such as restricted parking during peak hours, modification of the roadway section, or restriping. These will be reviewed as further design definition takes place in the future. In addition, the Preferred Alternative was refined to maintain the full movement access to this area via Kentucky Street as exists today. This addition helps to reduce traffic on Exposition Ave. and allows RTD to operate its busses to/from the park-n-Ride in a fashion as is done today.</p> <p>FHWA and CDOT are selecting Phases 1 and 2 of the Preferred Alternative for implementation. The improvements that include the Broadway interchange area are not included with Phase 1 or 2 but are identified in a future phase not yet funded. As described in this ROD, future phases will be selected through the issue of subsequent RODs as funding becomes available. This does require a review of the Preferred Alternative and a refreshing of the data that resulted in its selection. In addition, the City and County of Denver is considering improvements in this area through an independent NEPA study. The decisions they reach will be sensitive to those made with this study but may reach different conclusions tied to purpose and need goals unique to that study.</p>

	Comment	Responses to Comments
David Callaghan Comment #12 (Public Hearing)	I just wanted to know about the various solutions under the circumstances. That is all.	Response to Comment #12: The alternatives considered, Preferred Alternative, and phased implementation were discussed with the commenter during the open house portion of the Public Hearing.
	Comment	Responses to Comments
Andrew Hornbrook Comment #13 (Public Hearing)	I live at 960 Pennsylvania Street, Apartment 7, Denver, Colorado 80203. I asked the question near the end of the public meeting, specifically I asked about the bicycle and pedestrian bridge that will be going over I-25 at the Bayaud alignment. I am concerned that it is in one of the later phases of the project and that they may run out of money and then drop it.	Response to Comment #13: The bicycle/pedestrian bridge along Bayaud is an element of the Preferred Alternative. CDOT/FHWA has committed, in this ROD, to implementation of the Preferred Alternative in its entirety. With this ROD, FHWA and CDOT are selecting Phases 1 and 2 of the Preferred Alternative for implementation. The Bayaud bike/ped bridge is not included with Phase 1 or 2 but is identified in a future phase not yet funded. As described in this ROD, future phases will be selected through the issue of subsequent RODs as funding becomes available and FHWA and CDOT work toward implement of the Preferred Alternative in its entirety. CDOT and its local governmental partners are actively searching for funding for this important project; however it is difficult to predict when such funding will be available.

	Comment	Responses to Comments
<p>Reza Yazdi Comment #14 (Public Hearing)</p>	<p>My address is 1197 West Alameda, Englewood, Colorado 80223. My name is Reza Yazdi. I am the owner of this property located at 1197 West Alameda. I bought this property about almost ten years ago. I put a lot of money to improve this property. A couple of years ago I received some letter or some brochure from the Highway Department regarding that they had a plan to expand I-25, and one of the plans was that my property was going to be included in part of that Highway project. The last couple of years, I don't know, four or five years, always I have been concerned regarding when this project is going to start. This situation, I cannot save my property. I cannot lease it, and also I cannot do any more improvements on this property. I have a tenant, but I told him this should be very soon take over by the State. He is waiting. I have my accounting practice in this property. This is a good location for my clients. And I don't know what is going to be the situation as far as when, and I need to go look for other place, other business location.</p> <p>I spent about \$100,000 to install the refrigerator and cooler and other improvements in this property to run this business. We need to put more money out to do some more improvements in this property to expand both of these two businesses. But, unfortunately, because I don't know when the Highway Department is going to take over this property, I hesitate to invest some more money in these two businesses. My main concern is if the Highway Department is going to take over this property, please, as soon as possible give me a dateline when they are going to take over. At least I have a time to go and look for other location, to move this business to new location.</p> <p>I have been contacted with a couple of people who have been involved in this project but, unfortunately, none of them have any information regarding when this project is going to start. Please, as soon as possible, let me know when it is going to start and what is my situation. And, also, I am ready at this moment, if the Highway Department is interested, they can come and buy my property any time as fast as possible.</p>	<p>Response to Comment #14: We are very sensitive to the position you are in as a property owner affected by this project. As you may be aware, with this ROD, FHWA and CDOT are selecting Phases 1 and 2 of the Preferred Alternative for implementation. Your property is affected by this selection and purchase of your property will occur concurrent with construction of the improvements. Timing of this is linked to availability of funding. While we can't say exactly when we will approach you to acquire your property, we can assure you that the mitigation measures identified within this ROD as it relates to purchasing your property will be strictly followed.</p> <p>Renovation of property typically increases the property's value. If you invest in renovation and it increases your property value, such value will be reflected in CDOT's just compensation offer. Displaced businesses are eligible for relocation benefits. However, it is important to coordinate with CDOT real estate specialists before taking any actions associated with relocation to ensure eligibility for benefits.</p> <p>We encourage you to check in with CDOT from time to time and monitor the status of funding for this phase. Once funding for acquisition of that property is secured, we encourage you to coordinate specific details of the acquisition with the CDOT Region 6 Right of Way Manager.</p>

	Comment	Responses to Comments
<p>Vernon Tomkins Comment #15 (Public Hearing)</p>	<p>I live at 2742 West 2nd Avenue, Denver, Colorado 80219.</p> <p>I have two major points that bothered me. One is that they are planning on sending all the traffic out of the Bryant Street area up to Federal, across the Federal bridge and then back on to 6th Avenue either way, and that means an awful lot of traffic going up on to Federal just to get on the ramp. And I think that probably is overloading Federal, because it is already pretty loaded. I don't think they planned that out too well.</p> <p>The second suggestion that I had, and to me it is very important, is that they take Bryant Street and go straight from 7th over to 8th Avenue, just condemn the property and put in a street like it is supposed to be so we can have a normal street down there and that will put on the traffic on Bryant straight and go on to 8th and over to I-25 and out that way, and it would take the traffic problem off Federal and 6th Avenue.</p> <p>To me it makes sense because you are just loading up Federal, to load up 6th, to load up or just to get on to 25 southbound or northbound and you can do it the other way by getting on 8th Avenue and take the loading off of 6th and the loading off of Federal.</p>	<p>Response to Comment #15: The Preferred Alternative does reconfigure Bryant Street access from US6 to use Federal Blvd. as you have recognized. This does add traffic to Federal Blvd. To mitigate for this traffic, the Preferred Alternative has added a number of enhancements including parallel slip ramps along US 6 between Bryant and Federal, conversion of 5th Ave. to a local two way street, reconstruction of Federal Blvd. to include standard 12' wide lanes to replace the much narrower lanes that exist today, dual left turn lanes from Federal at each of the interchange ramps that access US 6, an improved intersection return at 7th Ave. and Federal to better accommodate truck turning, and extension of the Federal median island to north of 7th Ave. to limit traffic conflicts and improve traffic flow. We are confident that these mitigation measures will address the additional traffic.</p> <p>The extension of Bryant from 7th Avenue to 8th Avenue was considered as an early alternative and eliminated from further consideration due to the impacts on property and the ability of the local street system to accommodate traffic diversion. The rationale for eliminating this alternative are still valid. A copy of the screening summary is included the "Technical memorandum – Compatibility Testing of Elements" in support of this study.</p>
	Comment	Responses to Comments
<p>Carol Campbell Comment #16 (Public Hearing)</p>	<p>I live at 1597 West Nevada Place, Denver. I appreciated the leadership of Tony Gross and Dean Bradley over the course of the last few years on the Valley Highway Project EIS. It was a nice clean system. The leadership stayed the same and was consistent and very open and not defensive once we brought things up and that was very much appreciated from the community. I felt that the outcome was beneficial for the neighborhood and the process was really good.</p>	<p>Response to Comment #16: CDOT and FHWA appreciate the interactive way that you and the Athmar Park Neighborhood Association have engaged in the Valley Highway EIS. Your involvement has added substantial value to the process and the results. Your consistent presence, as well as Karen Cuthbertson's, provided the continuity from your neighborhood as well. Thanks!</p>

	Comment	Responses to Comments
<p>Lorraine Cornafel Comment #17 (Public Hearing)</p>	<p>My husband and I are the owners of the property at 1150 West Alameda, the corner of Lipan and Alameda. We have owned this property at 1150 West Alameda since 1988 and have landscaped it with grass and trees and an irrigation system to care for them. So the trees are sizeable Crabapples.</p> <p>My concern is that when Alameda is widened, and our property is shown as one that will have at least a partial acquisition for that project, my worry is that I think that we will lose 10 to 15 feet of our property on Alameda, which takes the trees. I would like to have as much lead time as possible to know when the project will begin because I intend to plant the replacement trees a suitable distance from the current line to protect them for the future so that there is at least some green there. There is no green space on Alameda from the railroad tracks, which are east of I-25, all the way to Knox Court. We have the only green space in there. I would like to keep it as pretty as possible because I like it, and we have spent a good deal of money maintaining on it all of these years.</p> <p>My second concern is that when Alameda is widened, one of the sketches I saw showed the concrete center median that is often installed on streets these days. If that is done on Alameda, it will be a very difficult turn for the tractor trailer rigs which can be up to 70 feet long if you include a tractor with a long wheel base plus a 53-foot trailer. Those kind of vehicles routinely use the dock space at our warehouse building which is located at 320 South Lipan which directly abuts the property we own at 1150. It is leased out to an appliance company presently for that purpose. Until recently Duffy Heavy Hauling Cranes had difficulty making the turn even as it is with the island. That company has since moved, but every business along Lipan uses tractor trailer delivery. So it is really impeded. So really I would hope someone would consider leaving those islands out for the future development of Alameda.</p>	<p>Response to Comment #17: With this ROD, FHWA and CDOT are selecting Phases 1 and 2 of the Preferred Alternative for implementation. The improvements along Alameda as you describe are included with this selection. We have identified that there will be some of your right-of-way required fronting Alameda and Lipan to implement the improvements. Timing of this is linked to availability of funding. While we can't say exactly when we will approach you to acquire your property, we can assure you that the mitigation measures identified within this ROD as it relates to purchasing part of your property will be strictly followed. Impacts to features within your right-of-way associated with these improvements are typically mitigated during construction and/or right-of-way negotiations. In addition, this ROD does commit to use of an aesthetic "kit of part" for corridor improvements. This might include treatment along Alameda as well as bicycle/pedestrian facilities and adjacent bridge aesthetics. Specific elements are to be defined as design advances.</p> <p>CDOT Region 6 has a tree replacement policy that would be included as part of your compensation if trees on your property are impacted. There is quite a bit more engineering to be done before final details are ready. This will include median treatments and truck turning provisions as you suggest.</p> <p>We encourage you to check in with CDOT from time to time, monitor the status of funding for this phase of the project that will construct these improvements and involve purchase of your property and additional detail for Alameda and Lipan.</p>